

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4317 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KISHOREKUMAR J BARAIYA

Versus

STATE OF GUJARAT

Appearance:

MR GM JOSHI for Petitioners

MR JOSHI AGP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 05/12/97

ORAL JUDGEMENT

The petitioners before this court are seeking appointment as Primary School Teachers under the respondent No.3, and also challenge the validity of the Government Resolution dated 30th April, 1997. They further seek a mandamus against the respondents directing them to reserve 5% posts of "Balguru" introduced under the impugned Resolution dated 30th April, 1997 for

candidates possessing C.P.Ed. (Certificate of Physical Education).

The learned AGP Mr.Joshi appears for the respondents Nos. 1 and 2 and upon instructions from the concerned officer who is present in the court, states that under the Government Resolution dated 22nd December, 1989, the Government has issued instructions to all concerned to reserve 5% of the posts of Primary School Teachers for candidates possessing C.P.Ed. qualification and that such posts should be filled in by the persons possessing the said qualification. He has further stated that the Government has issued instructions to apply the said reservation for appointment of "Balgurus" to be made under the Government Resolution dated 30th April, 1997 also.

In view of the above statement made by the learned AGP Mr. Joshi, Mr.G.M.Joshi, the learned advocate appearing for the petitioners states that the petitioners' grievance is substantially redressed and the petitioners do not press the rest of the reliefs. He, therefore, seeks leave to withdraw this petition. Leave is granted. Petition is disposed of as withdrawn. Rule is discharged. Interim relief is vacated.

JOSHI